

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 05-16-GMS
)	
FRANCIS R. MITCHELL,)	
)	
Defendant.)	

**MOTION TO ENLARGE THE TIME FOR THE FILING OF PRE-TRIAL MOTIONS
AND TO WAIVE THE APPLICATION OF THE SPEEDY TRIAL ACT**

Defendant, Francis R. Mitchell, by and through his undersigned counsel, Christopher S. Koyste, hereby moves the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 30 days and excludes this time period from the Speedy Trial Act calculations. This 30 day time period will allow the Defense additional time to review discovery in relation to guideline loss calculations, investigate the allegations in this action, and negotiate with the Government. Counsel submits the following in support thereof:

1. A second indictment was rendered against Mr. Mitchell on March 28, 2005 for 6 counts of tax fraud. Mr. Mitchell was arraigned on May 9, 2006 and was released on bail. Pre-trial motions are due on May 25, 2006.

2. Discovery is voluminous in this action and Mr. Mitchell needs an additional 30 days to review discovery in relation to loss calculations, investigate the allegations in this action, and negotiate with the Government. Mr. Mitchell moves to enlarge the time period for the filing of pre-trial motions 30 days, making pre-trial motions due no later than June 25, 2006. Mr. Mitchell also moves for the exclusion of 30 days as calculated by the Speedy Trial Act, 18 U.S.C. Section

3161(c)(1), and asserts that such a time exclusion in the interests of justice.

3. First Assistant United States Attorney Richard G. Andrews does not oppose Mr. Mitchell's request for an enlargement of time and the waiver of the Speedy Trial calendar.

WHEREFORE, Mr. Mitchell respectfully requests the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 30 days and excludes this time period from the Speedy Trial Act calculations.

/s/ Christopher S. Koyste
CHRISTOPHER S. KOYSTE, ESQUIRE
Assistant Federal Public Defender
704 King Street, Suite 110
Wilmington, Delaware 19801
Attorney for Francis R. Mitchell

Dated: May 26, 2006

CERTIFICATE OF SERVICE

Undersigned counsel certifies that this Motion to Enlarge the Time for the Filing of Pre-Trial Motions and Waive the Application of the Speedy Trial Act is available for public viewing and downloading and was electronically delivered on May 26, 2006 to:

Richard G. Andrews, Esq.
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/s/ Christopher S. Koyste
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